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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/774,694 | 02/01/2001 | Yuichi Higuchi | 35.C15094 | 3090 |

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NEW YORK, NY 10112

EXAMINER

JACOBS, LASHONDA T

| | |
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| ART UNIT | PAPER NUMBER |
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2157

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/774,694

Applicant(s)

HIGUCHI, YUICHI

Examiner

LaShonda T. Jacobs

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8,22-28,41-48 and 74-79 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8,22-28,41-48 and 74-79 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

This Office Action is in response to Applicant's Election to the Restriction Requirement.

Applicant elected Group I to be prosecuted, which consist of claims 1-8, 21-28, 41-48 and 74-79.

Claims 9-19, 29-39 and 49-59 are withdrawn. Claims 20, 40 and 60-73 have been cancelled.

Claims 1-8, 21-28, 41-48 and 74-79 are presented for further examination.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims **1-8, 21-28, 41-48 and 74-79** are rejected under 35 U.S.C. 102(e) as being anticipated by Shiohara.

As per claims **1 and 21**, Shiohara discloses a server, which can communicate with a device, comprising:

- first management means for managing information representing an ability of said device (col. 4, lines 9-18);
- second management means for managing information representing an ability of a device driver for the device (col. 4, lines 42-49);

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- retrieval condition reception means for receiving a retrieval condition for selecting the device (col. 5, lines 66-67 and col. 6, lines 1-6);
- retrieval means for retrieving the device based on the information managed by first management means, the information managed by said second management means and the retrieval condition received by said retrieval condition reception means (col. 4, lines 9-18 and lines 42-49); and
- output means for outputting a retrieval result obtained by said retrieval means (col. 5, lines 66-67 and col. 6, lines 1-6).

As per claims 2, 22 and 42, Shiohara further discloses:

- first reception means for receiving the information representing the ability of the device (col. 4, lines 9-18); and
- second reception means for receiving the information representing the ability of the device driver for the device (col. 4, lines 42-49).

As per claims 3, 23 and 43, Shiohara further discloses:

- generation means for generating information by coupling the information managed by first management means and the information managed by said second management means together (col. 4, lines 9-18 and lines 42-49).

As per claims 4, 24 and 44, Shiohara further discloses:

- a registration means for registering the information generated by said generation means to a storage unit (col. 4, lines 19-29).

As per claims 5, 25 and 45, Shiohara further discloses:

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- comparison means for comparing information registered by said registration means with the retrieval condition (col. 4, lines 19-29).

As per claims 6, 26 and 46, Shiohara discloses:

- wherein said retrieval mean compares the information managed by said first management means, the information managed by said second management means and each condition included in retrieval condition with others (col. 4, lines 9-18 and lines 42-49); and
- wherein said output means outputs an adaptivity based on the number of adapted conditions among the plural conditions included in the retrieval condition (col. 5, lines 66-67 and col. 6, lines 1-6).

As per claims 7, 27, and 47, Shiohara discloses:

- wherein the information representing the ability of the device is information concerning any one of a duplex print, an N-up print, a job copy, a page copy, an OHP insertion print, a resolution, the number of print pages, a paper size, and a status of said device (col. 3, lines 1-3 and col. 5, lines 1-19).

As per claims 8, 28 and 48, Shiohara discloses:

- wherein the retrieval by said retrieval means is performed with respect to plural devices (col. 6, lines 15-24).

As per claims 74 and 75, Shiohara discloses:

- wherein said output means outputs the retrieval result in a form for discriminating the function executable by the device driver, as the result of the retrieval means (col. 5, lines 66-67 and col. 6, lines 1-6).

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As per claims 76 and 78, Shiohara discloses:

- wherein said retrieving step includes retrieving the device for which at least one of the ability of said device and the ability of the device driver satisfies the retrieval condition (col. 5, lines 1-19).

As per claims 77 and 79, Shiohara discloses:

- wherein outputting step includes outputting the retrieval result in a form for discriminating the function executable by the device driver, as the result of the retrieval in said retrieval step (col. 5, lines 66-67 and col. 6, lines 1-6).

Response to Arguments

3. Applicant's arguments with respect to claims 1-8, 21-28, 41-48 and 74-79 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 5,815,722 to Kalwitz et al

U.S. Pat. No. 5,323,939 to Barrett et al

U.S. Pat. No. 6,862,103 to Miura et al

U.S. Pat. No. 5,832,298 to Sanchez et al

JP 2002215348 to Junichi

JP 08003839 to Hiroshi

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 571-272-4004.

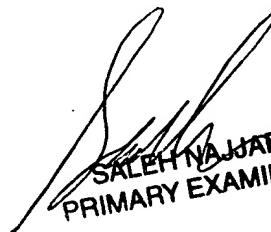
The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T Jacobs
Examiner
Art Unit 2157

ltj
May 20, 2005


SALEH N. JARR
PRIMARY EXAMINER